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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,753	09/17/2003	Keiichi Keyaki	05711.0157	3823
7590 11/01/2004			EXAMINER	
Finnegan, Henderson, Farabow,			SAKRAN, VICTOR N	
Garrett & Dunner, L.L.P. 1300 I Street, N.W.			ART UNIT	PAPER NUMBER
Washington, DC 20005-3315			3677	
			DATE MAILED: 11/01/2004	4 .

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Commence	10/663,753	KEYAKI ET AL.				
Office Action Summary	Examiner	Art Unit				
·	VICTOR N SAKRAN	3677				
The MAILING DATE of this communication apportant period for Reply	ears on the cover sheet with the co	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period with a period for reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from to become ABANDONED	ely filed s will be considered timely, the mailing date of this communication. O (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on 17 Se	ptember 2003.	·				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-7</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-7</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10)⊠ The drawing(s) filed on <u>17 September 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a)⊠ All b)□ Some * c)□ None of: 1.⊠ Certified copies of the priority documents have been received.						
 2. Certified copies of the priority documents have been received in Application No 						
Copies of the certified copies of the priority documents have been received in Application 140 Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
·						
Attachment(s)		113				
1) Notice of References Cited (PTO-892)	4) Interview Summary					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)					
Paper No(s)/Mail Date <u>8/20/04</u> .	6) Other					

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 4-7, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schaaff U. S. patent No. 2,312,284 (cited by Applicant); see Figures 3, 6; page 2, column 2, lines 26-31; and page 3, column 1, lines 43-54.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the difference's between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaaff '284 in view of Yamagishi et al U. S. patent No. 6,530,132.

Schaaff discloses Applicant's claimed combination of a slide fastener comprising a body having a bottom wall (16) and a pair of opposed side walls (22, 23) erected

a body having a bottom wall (16) and a pair of opposed side walls (22, 23) erected of said bottom wall and a down inclined slope (22a, 23a) is formed between the leading edge of each of the side walls and the top of said side walls for insuring a smooth closing operation of the slide fastener in combination with a post, a cover and a pull tab for operating said slide fastener; see Figures 3, 6; page 2, column 2, lines 26-31; and page 3, column 1, lines 43-54, except that the reference to Schaaff does not have the end of its side walls disposed at right angle toward the rear mouth of its slide fastener. Yamagishi et al teaches the use of a pair of opposed side walls defining flange means wherein each of said flange means is disposed at right angle or tilted toward the rear mouth side of with respect to the side face of its guide post in a slide fastener. Note that the reference to Yamagishi is also teaches the use of flanges (12), each is provided with a down slope flange

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(15) as a guide means for its slide fastener and for smooth closing operation of its slide fastener; see Figures 1, 3, 7, 8; column 4, lines 9-17, 36-44, and column 6, lines 7-14. It would have been obvious to one having ordinary skill in the art at the time the invention was made to the leading end of the side walls in Schaaff to be disposed at right angle with respect to the side face of its guide post in the manner taught, disclosed and suggested by Yamagishi, especially, since such modification involves only routine skill in the art.

Furthermore, Applicant is reminded that in considering the disclosure of a reference, it is proper to take into account not only specific teaching of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom; see In re Preda, 401 F2d 825, 826, 159 USPQ 342,344 (CCPA1968).

Moreover, the particular shape of the various elements is considered to be no more than a matter of design choice obvious to one having ordinary skill within the art at the time the invention was made, especially, since it has been held that the particular change in shape of an element in a prior art device is such a change considered no more than an obvious matter of design choice to one having ordinary skill within in the art. See In Re Dailey, 357 F. 2d 669, 149 USPQ 47 (CCPA 1954).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's attention is directed to the prior art cited

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herein, and of record, as showing structure related to Applicant's disclosed

invention.

Any inquiry concerning this communication or earlier communications

from the examiner should be directed to VICTOR N SAKRAN whose telephone

number is 703-308-2224. The examiner can normally be reached on 6:30 AM -

5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, J. J. swann can be reached on 703-308-4115. The fax

phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 28, 2004

VICTOR N SAKRAN
Primary Examiner

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